

## REMARKS

Independent claims 4 and 17 have been amended to recite the yeast as being brewer's lager yeast or ale yeast as described at page 12, lines 3-4 of the specification.

Claims 4, 5, 7, 16, 17, 19 and 20 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,329,433 to Seebeck *et al.* ("Seebeck") in view of U.S. Patent No. 6,265,000 to Shimamura *et al.* ("Shimamura") and in further view of Applicants' specification.

Turning to the cited patents, Seebeck discloses a continuous fermentation method for solutions such as grape juice. The yeast is first aerobically cultured in a nutrient solution and when the yeast reaches a certain concentration level, a fermentation media is continuously added to the cultured yeast for continuous fermentation. Nothing in Seebeck discusses brewer's lager yeast or ale yeast. Also, throughout the Seebeck patent, the nutrient solution is described as preferably being a fruit juice and the fermentation media is described as preferably being a fruit juice. In particular, the Examples of Seebeck use fruit juices as the nutrient solution and the fermented solution. A previous Office Action noted that Seebeck "does not necessarily and positively recite adding the fruit juice/yeast mixture to a wort".

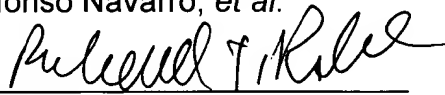
A previous Office Action stated that Shimamura teaches the production of a beer like product where the yeast can be cultured in a wine must (the "yeast-containing output" of Shimamura). At column 4, lines 21-24 of Shimamura, the output is defined as "a material(s) or an intermediate product(s) which are used or produced for or during processes for producing an alcoholic beverage other than beer." (Underlining added.) Therefore, while Shimamura teaches adding a fermented yeast/juice mixture to a wort,

the "yeast-containing output" is defined as "a material(s) or an intermediate product(s) which are used or produced for or during processes for producing an alcoholic beverage other than beer."

Amended independent claims 4 and 17 make it clear that brewer's' lager yeast or ale yeast is suspended in a wort-free aqueous solution in the method of the invention. These yeast suspensions are used for producing beer. In contrast, the "yeast-containing output" of Shimamura is defined as "a material(s) or an intermediate product(s) which are used or produced for or during processes for producing an alcoholic beverage other than beer." Thus, the yeast suspensions of the claimed methods are distinguishable from the "yeast-containing output" of Shimamura. Therefore, any combination of Shimamura and Seebeck fails to teach or suggest all of the limitations of amended independent claims 4 and 17.

Accordingly, it is respectfully submitted that amended claim 4 (and claims 5, 7 and 16 that depend thereon) and amended claim 17 (and claims 19-20 that depend thereon) are patentable over the cited references. Favorable reconsideration is respectfully requested. No other fees are believed to be needed for this amendment. However, if other fees are needed, please charge them to deposit account 17-0055.

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